



# *Legislative Briefing*

## **State Debt Collection**

Each year, government agencies send hundreds of bills to Utahns for service fees and fines. These collections help officials enforce Utah laws and cover service costs on state, county and city levels. However, some bills are never paid, causing the state to lose money.

The Attorney General's Office has a designated attorney to work with the Office on State Debt Collection. This joint-effort helped the state to both recover debts that require legal action in the courts and to save money by using an in-house attorney.

Within just three years, Assistant Attorney General Kevin Olsen helped bring over \$730,000 into state coffers. The money was recovered on behalf of many agencies including the Labor Commission, the Department of Transportation, the Department of Commerce and the courts. Debt collections continue to grow exponentially and proves to be cost effective for Utah.

<b>Attorney General Assisted Collections</b>	
<b>Fiscal Year</b>	<b>Amount Collected</b>
2003	\$49,293.50
2004	\$156,334.25
2005	\$453,216.40
2006 (July Only)	\$74,096.41
<b>TOTAL</b>	<b>\$732,940.56</b>

## **Protecting Roads and Resources**

State attorneys are battling to keep public vehicles out of a canyon in Southern Utah in order to protect rich archeological resources in the area. The Department of Wildlife Resources closed part of a road that passes through the Range Creek Canyon bottoms and connects part of its 4,000 acres of property.

Penta Creek, Inc., which owns land south of the canyon, claims it has the right to drive on this road despite the potential damage. However, the state found that Penta Creek can not travel north of its property and will soon terminate a temporary permit through the canyon. Penta Creek still has access to its property from the south, but the state still expects litigation on this issue.

## **No Second Chances**

Utah law enforcement officers who have used bulletproof vests by Second Chance Body Armor have less than one month to take part in a \$29 million settlement. The lawsuit was filed in a District Court in Mayes County, Oklahoma, but is available to the 1,500 officers in Utah who purchased, possess, own or even replaced a Second Chance vest.

During testing, the Zylon material used on the vests failed to stop a .44 caliber bullet and the strength of the fiber decreased under elevated temperature, humidity, sunlight and florescent light.

Attorney General Mark Shurtleff is concerned for the safety of Utah's law enforcement officers and encourages them to protect their legal rights and receive their share of the settlement. Officers must register their contact information by September 9.

## **A.G. Wants Murder Conviction Upheld**

The Attorney General's Office has asked the Utah Court of Appeals to affirm the conviction and sentence of a Box Elder man who was found guilty of murdering his drinking buddy based on circumstantial evidence. Gerardo L. Gonzalez charged with the murder of Alberto Hernandez, who was found with a crushed skull in a field near Plymouth, Utah.

Gonzalez's girlfriend testified that she went to the field with Gonzalez. Although he told her not to look, she turned around and saw black hair beside the car. Then Gonzalez lifted something heavy out of the trunk. Witnesses say they saw the couple driving away from the field where the body was later found.

## **Child Registry**

Parents now have another way to protect their children on the Internet thanks to a new Child Protection Registry bill, sponsored by former Representative Mike Styler. Attorney General Mark Shurtleff worked with Styler during the 2004 legislative session to create a registry that keeps adult-oriented e-mail messages from a child's online mailbox. Shurtleff compares it to the "Do-Not-Call List" and says it gives parents the ability to say, "Do not send porn to my child."

After parents place their child's e-mail address on the registry, businesses that advertise sexually-oriented products by e-mail will have 30 days to scrub the children's contact information from their list. Taxpayer money will not be used because fees paid by these same e-marketers will fund the program.

Unspan Technologies pioneered the technology that encrypts e-mails on the registry, making them a "one-way-hash," similar to a fingerprint. It also protects the e-mail addresses from hackers or careless employees. Hundreds of businesses, representing billions of messages sent each day, agreed to comply with the new law.

Parents are encouraged to register their child's e-mail address at <https://www.utahkidsregistry.com/>.

## **Healthy Refund for Heart Patients**

Hundreds of Utah heart patients are getting a healthy refund for being overcharged for the heart medication Cardizem CD between 1998 and 2002. Approximately 405 Utahns will receive a total of \$126,907 from a multi-state antitrust settlement with two pharmaceutical companies. Aventis Pharmaceuticals Inc. apparently paid Andrx Corporation to delay selling a generic version of the drug. Both companies agreed to pay an \$80 million settlement.

"Those delays meant higher prices for consumers and higher taxes for everyone else because government agencies also had to pay the inflated price," says Attorney General Mark Shurtleff.

Utah will also receive more than \$80,600 to recover damages incurred by the state, plus attorney's fees and costs incurred in the litigation. Assistant Attorney General Ronald Ockey represented Utah in the settlement.

## **A Smoking Deal**

The Attorney General's Office recently announced an agreement with 7-Eleven, Inc. the nation's largest seller of tobacco products, to reduce unlawful tobacco sales to minors. This voluntary agreement is part of a commitment by the Attorney General's Office to protect children from a deadly habit by reducing their access to tobacco.

As part of the Assurance of Voluntary Compliance, 7-Eleven has voluntarily agreed to:

- Train employees on state and local laws and company policies on tobacco
- Check the ID of any person purchasing tobacco under age 27
- Use cash registers programmed to prompt ID checks on all tobacco sales
- Hire an independent entity to conduct random compliance checks.
- Prohibit self-service tobacco displays, vending machines, cigarette look-alike products and free tobacco samples.
- Forbid the sale of smoking paraphernalia to minors.

Assistant Attorney General Mark Burns represents Utah on tobacco settlement and compliance issues.



The Attorney General's Office represents the State in thousands of cases each year. If you need information on any matter being handled by our office, please contact Dave Johnson at 538-1357 or [davidjohnson3@utah.gov](mailto:davidjohnson3@utah.gov).